



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,008	10/12/2001	Michael P. Montemurro	08-891650US	8536

7590 11/19/2004

GOWLING LAFLEUR HENDERSON  
Suite 2600  
160 Elgin Street  
Ottawa, ON K1P 1C3  
CANADA

EXAMINER

AVELLINO, JOSEPH E

ART UNIT

PAPER NUMBER

2143

DATE MAILED: 11/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/975,008	MONTEMURRO ET AL.
	Examiner	Art Unit
	Joseph E. Avellino	2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 12 October 2001.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-18 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-18 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 12 October 2001 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All   b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_ .

## DETAILED ACTION

1. Claims 1-19 are pending in this examination; claims 1, 13, and 18 independent.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Kinnunen et al. (USPN 6,813,501) (hereinafter Kinnunen).

3. Referring to claim 1, Kinnunen discloses a service provider operation center (Figure 2) for providing wireless services in a proximity (Figure 1) comprising:
  - a proximity management server (i.e. location server 252) including a scheduler coupled to service definitions and location definitions (i.e. services configurator 254 and Service View 256) for deriving a schedule of availability of services (i.e. services deployment areas in which services are available, see abstract) in dependence upon at least one of user (i.e. user profile agent 220), device (col. 6, lines 43-67; col. 7, line 6-54), location (e.g. abstract), and time (i.e. lease time col. 14, lines 12-23).

4. Referring to claim 2, Kinnunen discloses the schedule comprises a service matrix (i.e. user profile) (Figure 1, 220, 254; col. 7, lines 19-55).
5. Referring to claim 3, Kinnunen discloses the service matrix includes service type (e.g. abstract; col. 3, lines 30-35; col. 6, lines 43-67).
6. Referring to claim 4, Kinnunen discloses the service matrix includes location (col. 2, lines 30-35).
7. Referring to claim 5, Kinnunen discloses the service matrix includes time (i.e. leased subscription time (col. 14, lines 12-23).
8. Referring to claim 6, Kinnunen discloses the service matrix includes user group (i.e. categories of users) (col. 3, lines 30-35; col. 6, lines 42-67).
9. Referring to claim 7, Kinnunen discloses the scheduler includes a policy application block for modifying the available services in dependence upon a set of predetermined policies (col. 11, lines 24-48).
10. Referring to claim 8, Kinnunen discloses the policy application block includes database lookup to determine policy (Figure 2, 246; col. 13, lines 36-67).

11. Referring to claim 9, Kinnunen discloses the database lookup is for a user (i.e. determine which services are available for a user) (col. 3, lines 30-55).
12. Referring to claim 10, Kinnunen discloses the database lookup is for a device (col. 3, lines 30-55).
13. Referring to claim 11, Kinnunen discloses the network access interface coupled to an aggregation device (the term "aggregation device" is taken to mean a device which concentrates services from plurality of devices into one trunk line) (col. 3, lines 64-66).
14. Referring to claim 12, Kinnunen discloses the aggregation device (i.e. access point) includes ports for connection to a service provider (Figure 2, 232; Figure 3, connection between Service Provider and Network Operator).
15. Claims 13-19 are rejected for similar reasons as stated above.

### ***Conclusion***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

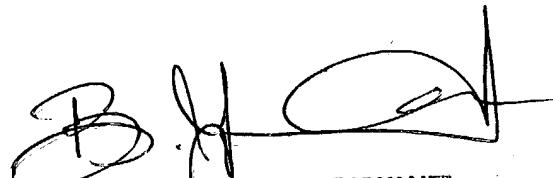
17. Geck et al. (US 2003/0073427) discloses inhibiting features for wireless terminals.
18. Deshpande et al. (US 2003/003933) discloses mobile client for multi-service provider network environment.
19. Deshpande et al. (US 2002/0176579) discloses location-based services using wireless hotspot technology.
20. Weisshaar et al. (USPN 6,757,262) discloses service framework supporting remote service discovery and connection.
21. Stewart et al. (USPN 6,732,176) discloses enabling multiple network providers to use a common distributed network infrastructure.
22. Koodli (USPN 6,571,095) discloses providing address discovery of services in mobile networks.
23. Doviak et al. (USPN 6,418,324) discloses transparent wireless communication between a remote device and host system.
24. Baylor et al. (USPN 6,282,429) discloses providing prioritized wireless communication service to wireless communication subscribers.
25. Laursen et al. (USPN 6,065,120) discloses self-provisioning a rendezvous to ensure secure access to information in a database from multiple devices.
26. Shannon et al. (USPN 6,032,044) discloses cellular communications system with screening of unauthorized services.
27. Scowles et al. (USPN 5,561,836) discloses qualifying access to communication system services based on subscriber unit location.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph E. Avellino whose telephone number is (571) 272-3905. The examiner can normally be reached on Monday-Friday 7:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JEA  
November 3, 2004



BUNJOB JAPENCHONWANIT  
PRIMARY EXAMINER